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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,331	09/19/2005	Kazuo Omori	SONYJP 3.3-327	3518
530 7590 05/11/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER SMITHERS, MATTHEW				
ART UNIT 2437		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/527,331

**Applicant(s)**

OMORI ET AL.

**Examiner**

Matthew B. Smithers

**Art Unit**

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 3/10/05/12/17/07
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statements filed March 10, 2005 and December 17, 2007 have been placed in the application file and the information referred to therein has been considered as to the merits.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. With respect to claims 13 and 14, each of the claims are directed to a program for performing specific method steps. Computer programs do not fall within any of the four statutory classes of an invention as defined in 35 USC 101.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,850,445 granted to Chan et al.

Regarding claim 1, Chan meets the claimed limitations as follows:

"A data processing method performed by means to be authenticated and authenticating means, the authenticating means holding key data, the method comprising: performing first encryption at the authenticating means using key data related to processing permitted to the means to be authenticated among processing relating to the authenticating means to generate first authenticating use data; providing the first authentication use data and key designation data designating the key data to the means to be authenticated; comparing the first authentication use data with second authentication use data; and executing the processing related to the key data in the authenticating means when the comparison determines that the first authentication use data and the second authentication use data are the same." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 2, Chan meets the claimed limitations as follows:

"A data processing method as set forth in claim 1, wherein the providing step includes writing the first authentication use data and the key designation data in an integrated circuit used by the means to be authenticated." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 3, Chan meets the claimed limitations as follows:

"A data processing method as set forth in claim 1, wherein the step of performing the first encryption includes generating the first authentication use data using the key data related to a function of the authenticating means permitted by the means to be authenticated or an access to data held by the authenticating means." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 4, Chan meets the claimed limitations as follows:

"A data processing method as set forth in claim 1, wherein the step of performing the first encryption step includes generating the first authentication use data by encrypting authentication use data, generated using first key data related to the processing permitted to the means to be authenticated by a first user, using second key data related to the processing permitted to the means to be authenticated by a second user received authority by the first user, and the providing step includes providing the key designation data designating the second key data to the means to be authenticated." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 5, Chan meets the claimed limitations as follows:

"A data processing method as set forth in claim 4, wherein the step of performing the first encryption includes using first tamper proofing key data managed by the first user to encrypt authentication use data generated using the first key data to produce first encrypted authentication use data, encrypting the first encrypted authentication use data using the second key data to produce second encrypted authentication use data,

and encrypting the second encrypted authentication use data using second tamper-proofing key data distributed to the second user by the first user to generate the first authentication use data.” see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 6, Chan meets the claimed limitations as follows:

“A data processing method as set forth in claim 1, wherein the step of performing the first encryption includes generating the first authentication use data using a plurality of key data related to a plurality of processing relating to the authenticating means, respectively.” see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 7, Chan meets the claimed limitations as follows:

“A data encryption processing method as set forth in claim 6, wherein the step of performing the first encryption step includes generating the first authentication use data using the key data related to a plurality of processing including a function of the authenticating means permitted by the means to be authenticated and an access to data held by the authenticating means, respectively.” see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 8, Chan meets the claimed limitations as follows:

“A data processing method as set forth in claim 3, wherein the first authentication use data is generated using single key data related to an access to a plurality of data modules when the authenticating means holds a plurality of the data modules as data.”

see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 9, Chan meets the claimed limitations as follows:

"A data processing method as set forth in claim 1, further comprising: provides the key designation data from the means to be authenticated to the authenticating means; and performing second encryption at the authenticating means using the designated key data to generate the second authentication use data." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 10, Chan meets the claimed limitations as follows:

"A data processing method as set forth in claim 1, wherein the step of performing the first encryption includes generating the first authentication use data using the key data to encrypt predetermined data." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 11, Chan meets the claimed limitations as follows:

"A data processing method as set forth in claim 1, further comprising: specifying the key data corresponding to a service designated by the means to be authenticated based on correspondence data of the service that is a use target of the means to be authenticated and a single or a plurality of the key data related to processing relating to the authenticating means corresponding to the service, wherein the step of performing the first encryption step includes generating the first authentication use data using the key

data specified in the specifying step." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 12, Chan meets the claimed limitations as follows:

"A data processing method as set forth in claim 11, wherein the specifying step includes providing a screen making the means to be authenticated designate the service." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 13, Chan meets the claimed limitations as follows:

"A program for causing a data processing device to execute an authentication process between an authenticating means holding key data and a means to be authenticated the authentication process comprising: performing first encryption using key data related to processing permitted to the means to be authenticated among processing relating to the authenticating means to generate first authentication use data; providing the first authentication use data and key designation data designating the key data to the means to be authenticated; comparing the first authentication use data with second authentication use data; and executing the processing related to the key data in the authenticating means when the comparison determines that the first authentication use data and the second authentication use data are the same." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 14, Chan meets the claimed limitations as follows:



"A program as set forth in claim 13, wherein the step of performing the first encryption includes generating the first authentication use data using the key data related to a function of the authenticating means permitted by the means to be authenticated or an access to data held by the authenticating means." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

Regarding claim 15, Chan meets the claimed limitations as follows:

"A data processing device for providing first authentication use data to means to be authenticated when authenticating means holding key data uses key data designated by the means to be authenticated for encryption to generate second authentication use data, uses the second authentication use data in an authentication with the means to be process authenticated, and performs processing related to the key data when the first authentication use data and the second authentication use data are the same, the data processing device comprising: means to be authenticated; means for generating the first authentication use data by encryption using key data related to processing permitted to the means to be authenticated among processing relating to the authenticating means and means for providing the first authentication use data and key designation data designating the key data used to generate the first authentication use data to the means to be authenticated." see column 5, lines 28-47; column 6, line 54 to column 7, line 28; column 9, line 3 to column 12, line 60 and figures 4, 5, 7 and 8.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Nonaka et al (US 20030046238).

B. Pockrandt (US 6,934,843).

C. Drupsteen et al (US 6,249,869).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew B Smithers/

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Primary Examiner, Art Unit 2437